

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re FLINT WATER CASES

Civil Action No. 5:16-cv-10444-JEL-MKM
(consolidated)

Hon. Judith E. Levy
Mag. Kimberly G. Altman

APPLICABLE TO ALL CASES

VEOLIA WATER NORTH AMERICA OPERATING SERVICES, LLC'S,
VEOLIA NORTH AMERICA, INC.'S, AND VEOLIA NORTH AMERICA,
LLC'S PROPOSED AGENDA ITEMS FOR THE FEBRUARY 2, 2023
STATUS CONFERENCE

Pursuant to the Court's order setting a status conference for February 2, 2023 and requesting that the parties file proposed agenda items, ECF No. 2233, Defendants Veolia Water North America Operating Services, LLC, Veolia North America, Inc., and Veolia North America, LLC ("VNA") propose the following agenda items for the February 2, 2023 status conference.

1. The scheduling of four Bellwether III fact witness depositions that were noticed on September 6, 2022 and December 14, 2022. Plaintiffs have not objected to the depositions and have agreed to provide dates but have not yet provided deposition dates. Given the scheduling order in the Bellwether III cases, VNA wishes to have the Court address this issue should it not be resolved before the status conference.

2. VNA's request for Michigan Child Protective Services records regarding two Bellwether III plaintiffs.
3. The status of four Bellwether III experts who were originally disclosed in 2020 but were not disclosed on January 3, 2023, pursuant to the scheduling order. VNA has requested clarification from Plaintiffs' counsel on whether these four experts will be used at the upcoming Bellwether III trial and have been informed that these experts are not withdrawn.
4. Issues regarding the underlying data for certain Bellwether III experts (specifically, Dr. Specht and Dr. Hoffman). The parties have met and conferred and are attempting to work through these issues, but given the upcoming expert depositions, VNA requests that the Court address these issues at the February 2 status conference should they not be resolved before that time.
5. Scheduling of the remaining Bellwether III home inspections.
6. Liaison Counsel's public filing of unredacted records produced by the Graduate Hotel (ECF No. 2329).
7. Co-Liaison Counsel's and Class Counsel's repeated instructions to their retained expert Dr. Russell not to answer questions regarding the substance of discussions between counsel and Dr. Russell during breaks in Dr. Russell's deposition.
8. The status of the scheduling stipulations submitted by the parties in the Bellwether II and Bellwether III cases (ECF Nos. 2310 and 2334).

Respectfully submitted,

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Dated: January 26, 2023

CERTIFICATE OF SERVICE

I, Alaina N. Devine, one of the counsel of record for the VNA defendants, certify that I served the within Proposed Agenda Item on January 26, 2023, by causing it to be e-filed through the Court's CM/ECF electronic filing system which will automatically deliver electronic copies of it to counsel of record for all parties to have appeared in *In re Flint Water Cases*.

/s/ Alaina N. Devine
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